

# HOUSE JOURNAL

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SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

TWENTY-EIGHTH DAY — TUESDAY, FEBRUARY 28, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 33).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Berlanga; Ehrhardt; Hilbert.

Absent — Marchant; Wilson.

The invocation was offered by Reverend B. W. McClendon, Sr., St. James Baptist Church, Austin, as follows:

Heavenly Father, we come today in the name of Jesus our Lord! We thank you for the privilege of prayer. We pray for this legislative body; give them wisdom and guidance as they deliberate over your business as it relates to this state. God, we recognize our dependence upon you. Bless our governor and his staff; give him the wisdom that he needs to lead this great State of Texas. We will be eternally grateful. In Jesus' name, our Lord and Saviour, we pray. Amen.

## LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Berlanga on motion of Torres.

The following member was granted leave of absence for today because of important business in the district:

Hilbert on motion of Shields.

The following member was granted leave of absence for today and the remainder of the week because of illness:

Ehrhardt on motion of Hirschi.

### **MESSAGE FROM THE SENATE**

Austin, Texas, February 28, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**HCR 8** by Allen (Sponsor-Shapiro), designating February 8, 1995, as Crime Victims Day.

**SCR 71** by Wentworth, and Luna, Gregory, in memory of San Antonio Police Officer Fabian Dominguez.

**SCR 72** by Ratliff, in memory of Charles K. Devall.

**SCR 73** by Cain, designating the City of Hawkins as the Pancake Capital of Texas.

**SB 450** by Rosson, relating to regional water and wastewater planning for the County of El Paso.

**SB 480** by Armbrister, relating to the jurisdiction of the Railroad Commission of Texas over pipeline safety.

**SB 533** by Leedom, relating to a principal who uses a sales representative.

Respectfully,  
Betty King  
Secretary of the Senate

### **SIGNED BY THE SPEAKER**

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

**SCR 64**

### **CAPITOL PHYSICIAN**

Speaker Laney presented Dr. Mickey Bush of Missouri City as the "Doctor for the Day."

The house welcomed Dr. Bush and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Speaker pro tempore in the chair)

(Wilson now present)

### **HR 278 - ADOPTED**

Representative Denny moved to suspend all necessary rules to take up and consider at this time **HR 278**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Denny and Horn,

**HR 278**, Congratulating Denton Liberty Christian High School on its state championship.

The resolution was adopted without objection.

On motion of Representative Horn, the names of all the members of the house were added to **HR 278** as signers thereof.

#### **HR 117 - ADOPTED**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 117**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Pitts,

**HR 117**, Honoring Ann Wright for her contributions to the Waxahachie business community.

The resolution was adopted without objection.

#### **HCR 111 - ADOPTED**

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 111**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Craddick,

**HCR 111**, Congratulating Helen Marie Angelo on her 100th birthday.

The resolution was adopted without objection.

(Speaker in the chair)

#### **HR 18 - ADOPTED**

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **HR 18**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell,

**HR 18**, Honoring the Possum Kingdom Relays.

The resolution was adopted without objection.

#### **HR 239 - ADOPTED**

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **HR 239**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell,

**HR 239**, Congratulating Doris Richeson on her election as leader of the Cactus Squadron of the Confederate Air Force.

The resolution was adopted without objection.

**HR 24 - ADOPTED**

Representative Finnell moved to suspend all necessary rules to take up and consider at this time **HR 24**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Finnell,

**HR 24**, Congratulating coach Lonnie Gaylor and the Graham High School Lady Blues golf squad on their 1994 UIL Class 3A state championship.

The resolution was adopted without objection.

**HR 280 - ADOPTED**

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 280**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Gutierrez,

**HR 280**, Commending Dr. Mario E. Ramirez for his public service.

The resolution was adopted without objection.

**HR 284 - ADOPTED**

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 284**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Pickett,

**HR 284**, Designating March 17, 1995, as Energy/Environment Education Day.

The resolution was adopted without objection.

**HR 209 - ADOPTED**

Representative Hightower moved to suspend all necessary rules to take up and consider at this time **HR 209**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Hightower,

**HR 209**, In memory of William J. "Bill" Clemons, Sr.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Gray, the names of all the members of the house were added to **HR 209** as signers thereof.

#### **HR 158 - ADOPTED**

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 158**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kamel,

**HR 158**, Honoring the St. Marcus Compassion House.

The resolution was adopted without objection.

#### **HR 159 - ADOPTED**

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 159**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kamel,

**HR 159**, Honoring Opportunities In Tyler, Inc.

The resolution was adopted without objection.

#### **HR 133 - ADOPTED**

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 133**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Eiland,

**HR 133**, Commending Walter Hallam for his service as pastor of Abundant Life Christian Center.

The resolution was adopted without objection.

#### **WITHDRAWAL OF ELECTION CONTEST FOR DISTRICT 58**

The speaker introduced and had read into the journal the following letters from the Honorable Bernard Erickson, District 58:

February 27, 1995

The Honorable James E. "Pete" Laney  
Speaker of the House  
P.O. Box 2910  
Austin, Texas 78711

Dear Speaker Laney:

By this letter and pursuant to Section 241.017, Election Code, I hereby withdraw my election contest for District 58 of the House of Representatives. I thank you and the house for your consideration of this matter.

Sincerely,  
Bernard Erickson

February 27, 1995

The Honorable Rob Junell, Chairman  
Select Committee on the Election Contest for District 58  
P.O. Box 2910  
Austin, Texas 78711

Dear Chairman Junell:

By this letter and pursuant to Section 241.017, Election Code, I hereby withdraw my election contest for District 58 of the House of Representatives. I thank you and the house for your consideration of this matter.

Sincerely,  
Bernard Erickson

### **HR 285 - ADOPTED**

The speaker laid before the house the following resolution:

By Junell,

#### **HR 285**

WHEREAS, Proceedings were initiated by Bernard Erickson to contest the election of Arlene Wohlgemuth to the office of state representative, District 58; and

WHEREAS, Pursuant to Chapter 241, Election Code, Speaker James E. "Pete" Laney appointed a master of discovery for the election contest on December 21, 1994, and a Select Committee on Election Contest on December 21, 1994, to begin consideration of the contest; and

WHEREAS, Pursuant to Chapter 241, Election Code, Speaker James E. "Pete" Laney appointed a master of discovery and a Select Committee on Election Contest on January 11, 1995, to continue consideration of the contest; and

WHEREAS, On February 14, 1995, after a public hearing the committee found by a vote of 9 to 0 that in the matter of the election contest for District 58 the contestant did not by clear and convincing evidence establish that the outcome of the contested election, as shown by the final canvass, was not the true outcome because of any ground prescribed by Chapter 221, Election Code; and

WHEREAS, On February 27, 1995, pursuant to Section 241.017, Election Code, a written statement of withdrawal signed by the contestant was filed with the chairman of the committee and the speaker of the house of representatives; now, therefore, be it

RESOLVED, That the contestant's statement of withdrawal of the election contest be read into the journal, as required by law; and, be it further

RESOLVED, That the Select Committee on Election Contest and the master of discovery appointed to assist the committee be discharged and that the committee need not make further report to this house; and, be it further

RESOLVED, That pursuant to Section 241.025, Election Code, each party to the election contest bear the party's own costs, and that this house bear the costs of the proceedings of the master of discovery and the committee, and that the contestant's security for costs be returned to the contestant; and, be it further

RESOLVED, That Arlene Wohlgemuth be continued in office as a member of the house of representatives for District 58, 74th Legislature.

The resolution was read and was adopted without objection.

### **HR 286 - ADOPTED**

Representative Willis moved to suspend all necessary rules to take up and consider at this time **HR 286**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Willis,

**HR 286**, Commending Ed Stauffer for his service to the Fort Worth Fire Department.

The resolution was adopted without objection.

On motion of Representative Brimer, the names of all the members of the house were added to **HR 286** as signers thereof.

### **RULES SUSPENDED**

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider **HB 1607**.

The motion prevailed without objection.

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider Edwards Aquifer legislation and to hear invited testimony.

The motion prevailed without objection.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Public Education, 2 p.m. today, to consider **HB 1607**.

Public Health, postponed until 2 p.m. today, E2.016, Capitol Extension.

Appropriations, Subcommittees on Criminal Justice and Education, 1:00 p.m. today, Room 103, Reagan Building, for a work session.

### PROVIDING FOR ADJOURNMENT

Representative Thompson moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

### HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Madden,

**HB 1666**, A bill to be entitled An Act relating to lobbying the federal government by state officers and employees.

To Committee on State Affairs.

By Nixon,

**HB 1667**, A bill to be entitled An Act relating to capital punishment for murders committed during the commission of certain offenses under the Texas Controlled Substances Act.

To Committee on Criminal Jurisprudence.

By De La Garza and Solis,

**HB 1668**, A bill to be entitled An Act relating to the forfeiture of contraband.

To Committee on Criminal Jurisprudence.

By Gray,

**HB 1669**, A bill to be entitled An Act relating to the appointment and terms of office of the directors of the Gulf Coast Water Authority.

To Committee on Natural Resources.

By Driver,

**HB 1670**, A bill to be entitled An Act relating to the assignment of certain insurance agents' commissions.

To Committee on Insurance.

By Mowery, G. Lewis, Romo, Van de Putte, and Conley,

**HB 1671**, A bill to be entitled An Act relating to eligibility for AFDC benefits.

To Committee on Human Services.

By Mowery, G. Lewis, Romo, Van de Putte, and Conley,

**HB 1672**, A bill to be entitled An Act relating to AFDC benefits for certain two-parent families.

To Committee on Human Services.

By Mowery and Conley,

**HB 1673**, A bill to be entitled An Act relating to the eligibility of certain minor parents to receive AFDC benefits.

To Committee on Human Services.



By Mowery and Conley,

**HB 1674**, A bill to be entitled An Act relating to the establishment of and mandatory participation in a "first work" pilot program for certain AFDC recipients and certain noncustodial parents of children receiving AFDC benefits.

To Committee on Human Services.

By Mowery, G. Lewis, Romo, and Conley,

**HB 1675**, A bill to be entitled An Act relating to savings accounts for AFDC recipients.

To Committee on Human Services.

By Mowery and Conley,

**HB 1676**, A bill to be entitled An Act relating to the establishment of a time-limited benefits pilot program for certain AFDC recipients.

To Committee on Human Services.

By Raymond, Willis, et al.,

**HB 1677**, A bill to be entitled An Act relating to directing the Texas Veterans Commission to determine the need for establishing state cemeteries for veterans.

To Committee on State Affairs.

By Seidlits, et al.,

**HB 1678**, A bill to be entitled An Act relating to salaries and fees for services of certain prosecutors.

To Committee on Judicial Affairs.

By Yost,

**HB 1679**, A bill to be entitled An Act relating to exemption from jury service.

To Committee on Judicial Affairs.

By Kubiak and Yarbrough,

**HB 1680**, A bill to be entitled An Act relating to the rights of a holder of an alcoholic beverage permit or license, the storage of certain records, and the delivery or liquor.

To Committee on Licensing and Administrative Procedures.

By Gallego,

**HB 1681**, A bill to be entitled An Act relating to the lease and sale of certain land by the Texas Low-Level Radioactive Waste Disposal Authority.

To Committee on Environmental Regulation.

By Gallego,

**HB 1682**, A bill to be entitled An Act relating to the imposition of a cost of court on criminal convictions, the creation of a fund for the payment of extraordinary costs of prosecution in certain counties, and the tax rate in certain counties to pay for those costs.

To Committee on Ways and Means.

By Hernandez,

**HB 1683**, A bill to be entitled An Act relating to exempting from disclosure under the open records law information that is submitted by a business for purposes of becoming certified as a disadvantaged or historically underutilized business.

To Committee on State Affairs.

By Place, Hightower, and McDonald,

**HB 1684**, A bill to be entitled An Act relating to children and family issues, including education and health and human services and juvenile justice issues; providing penalties.

To Committee on Juvenile Justice and Family Issues.

By Hirschi,

**HB 1685**, A bill to be entitled An Act relating to filling vacancies in the positions of certain firefighters and police officers.

To Committee on Urban Affairs.

By Hirschi and Yost,

**HB 1686**, A bill to be entitled An Act relating to the regulation of adulterated or mislabeled petroleum products and to an increase in the motor vehicle safety inspection fee to pay the cost of the regulation; providing a penalty.

To Committee on Energy Resources.

By Alonzo,

**HB 1687**, A bill to be entitled An Act relating to the notification of school personnel of the arrest or detention of a student.

To Committee on Juvenile Justice and Family Issues.

By Alonzo,

**HB 1688**, A bill to be entitled An Act relating to requiring notice to certain school district employees of certain student conduct containing the elements of a criminal offense.

To Committee on Juvenile Justice and Family Issues.

By Harris,

**HB 1689**, A bill to be entitled An Act relating to training for members of the governing boards of public institutions of higher education.

To Committee on Higher Education.

By Harris,

**HB 1690**, A bill to be entitled An Act relating to certain application requirements for a bail bondsman license.

To Committee on Criminal Jurisprudence.

By Wilson,

**HB 1691**, A bill to be entitled An Act relating to the offense of disorderly conduct.

To Committee on Criminal Jurisprudence.

By R. Cuellar,

**HB 1692**, A bill to be entitled An Act relating to a parenting education program in public schools.

To Committee on Public Education.

By Zbranek,

**HB 1693**, A bill to be entitled An Act relating to the qualifications of office for appellate judges and justices.

To Committee on Judicial Affairs.

By Torres,

**HB 1694**, A bill to be entitled An Act relating to litter abatement of self-generated litter.

To Committee on Environmental Regulation.

By B. Turner,

**HB 1695**, A bill to be entitled An Act relating to authorizing the Texas Youth Commission to perform fire protection, fire prevention, and fire suppression activities at or near commission facilities.

To Committee on Corrections.

By Maxey,

**HB 1696**, A bill to be entitled An Act relating to tuberculosis screening for certain employees of the Texas Department of Criminal Justice.

To Committee on Corrections.

By Maxey,

**HB 1697**, A bill to be entitled An Act relating to providing information to students applying for guaranteed student loans relating to the graduation, placement, and student loan default rates for postsecondary educational institutions.

To Committee on Higher Education.

By Maxey and Naishtat,

**HB 1698**, A bill to be entitled An Act relating to requiring a health or human service agency to inform certain clients or patients of community-based service options.

To Committee on Human Services.

By Greenberg, Naishtat, Maxey, Combs, and Dukes,

**HB 1699**, A bill to be entitled An Act relating to participation in, contributions to, and benefits and administration of retirement systems for firefighters in certain municipalities.

To Committee on Pensions and Investments.

By Combs and Wilson,

**HB 1700**, A bill to be entitled An Act relating to the payment of a judgment against the state in favor of George Green.

To Committee on Appropriations.

By D. Jones,

**HB 1701**, A bill to be entitled An Act relating to the composition of certain of the state's congressional districts.

To Committee on Redistricting.

By D. Jones,

**HB 1702**, A bill to be entitled An Act relating to the composition of certain of the state's congressional districts.

To Committee on Redistricting.

By D. Jones,

**HB 1703**, A bill to be entitled An Act relating to the composition of certain of the state's congressional districts.

To Committee on Redistricting.

By Yarbrough,

**HB 1704**, A bill to be entitled An Act relating to venue for criminal offenses under Title 15, Election Code.

To Committee on State Affairs.

By R. Lewis,

**HB 1705**, A bill to be entitled An Act relating to agreements between manufacturers or distributors of certain boats or outboard motors and dealers of those goods; providing a penalty.

To Committee on Business and Industry.

By Ramsay,

**HB 1706**, A bill to be entitled An Act relating to the creation and operation of an industrial development corporation by a city.

To Committee on Economic Development.

By Naishtat and Greenberg,

**HB 1707**, A bill to be entitled An Act relating to the forfeiture or destruction of weapons belonging to persons convicted of certain crimes.

To Committee on Criminal Jurisprudence.

By Park,

**HB 1708**, A bill to be entitled An Act relating to the effective date of a county sales and use tax for the purpose of financing the operation of a crime control and prevention district.

To Committee on Ways and Means.

By Romo,

**HB 1709**, A bill to be entitled An Act relating to standby guardianships for certain minors.

To Committee on Civil Practices.

By Brady and Rabuck,

**HB 1710**, A bill to be entitled An Act relating to requiring certain municipalities to hold an election in an area proposed to be annexed.

To Committee on Land and Resource Management.

By Brady, Bailey, Yarbrough, Rabuck, Yost, et al.,

**HB 1711**, A bill to be entitled An Act relating to the county regulation of a sexually oriented business and the sale, possession, and consumption of alcoholic beverages on the premises of a sexually oriented business; providing a penalty.

To Committee on Licensing and Administrative Procedures.

By Hamric,

**HB 1712**, A bill to be entitled An Act relating to the fees a county treasurer may charge for returned checks.

To Committee on County Affairs.

By R. Lewis,

**HB 1713**, A bill to be entitled An Act relating to anatomical gifts.

To Committee on Public Health.

By Woolley, et al.,

**HB 1714**, A bill to be entitled An Act relating to eligibility of public libraries for reduced telephone rates for distance learning activities.

To Committee on Economic Development.

By Craddick,

**HB 1715**, A bill to be entitled An Act relating to the determination of electric rates for certain marginal wells.

To Committee on Energy Resources.

By D. Jones,

**HB 1716**, A bill to be entitled An Act relating to the composition of certain of the state's congressional districts.

To Committee on Redistricting.

By S. Turner,

**HB 1717**, A bill to be entitled An Act relating to benefits payable by retirement systems for police officers in certain municipalities.

To Committee on Pensions and Investments.

By S. Turner,

**HB 1718**, A bill to be entitled An Act relating to the revision of the open records law.

To Committee on State Affairs.

By Hilderbran,

**HB 1719**, A bill to be entitled An Act relating to altering the business form of the holder of a permit allowing the sale or service of alcoholic beverages for on-premise consumption.

To Committee on Licensing and Administrative Procedures.

By Hilderbran,

**HB 1720**, A bill to be entitled An Act relating to the regulation of drinking water at youth camps.

To Committee on Public Health.

### HOUSE JOINT RESOLUTIONS ON FIRST READING

The following house joint resolutions were today laid before the house, read first time, and referred to committees:

By Wolens,

**HJR 76**, A joint resolution proposing an amendment to limit the number of terms to which a person may be elected to the Texas Legislature, the United States House of Representatives, the United States Senate, or statewide elective executive office.

To Committee on State Affairs.

By Zbranek,

**HJR 77**, A joint resolution proposing a constitutional amendment changing the requirements for persons serving in certain judicial offices.

To Committee on Judicial Affairs.

**RESOLUTIONS REFERRED TO COMMITTEES**

The following resolutions were laid before the house and referred to committees:

By Kubiak,

**HCR 107**, Directing the Parks and Wildlife Department to study and recommend alternatives for preserving Sugarloaf Mountain.

To Committee on State Recreational Resources.

By Price,

**HR 273**, Congratulating the Reverend Joe Goudeaux on his 100th birthday.

To Committee on Rules and Resolutions.

By Berlanga,

**HR 277**, Commending personnel of the Ontario Ministry of Natural Resources for their assistance in rabies eradication and designating them Honorary Texans.

To Committee on Rules and Resolutions.

By Allen,

**HR 279**, Commending Jerry C. Larmay for her contributions to her community.

To Committee on Rules and Resolutions.

**SCR 68**, Requesting the State Preservation Board to provide for the placement in the Texas Capitol of a portrait of President George Bush.

To Committee on House Administration.

**SCR 69**, Congratulating W. M. Dewey and Son, Inc., on its 100th anniversary.

To Committee on Rules and Resolutions.

**ADJOURNMENT**

In accordance with a previous motion, the house, at 10:49 a.m., adjourned until 10 a.m. tomorrow.

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

Appropriations - **SB 4**

Financial Institutions - **HJR 34**

Insurance - **HB 770, HB 775**

**SENT TO THE GOVERNOR**

February 27 - **HCR 9, HCR 63**